

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

**Clerk's Minutes
Before the Honorable James O. Browning**

CASE NO. 19-CR-77

DATE: March 23, 2020

TITLE: *USA vs Nissen*

COURTROOM CLERK: J. Wright

COURT REPORTER: J. Bean

COURT IN SESSION: 9:03AM

TOTAL TIME: 55 MINUTES

TYPE OF PROCEEDING: [113](#) MOTION to Dismiss; [125](#) MOTION for Order; [110](#) MOTION for New Trial; [109](#) MOTION to Dismiss; [111](#) MOTION for Acquittal; [112](#) MOTION for Acquittal, [106](#) MOTION to Amend/Correct, [98](#) MOTION for Discovery

COURT RULING: ALL MOTIONS ARE DENIED.

ATTORNEYS PRESENT FOR PLAINTIFF(S): **ATTORNEYS PRESENT FOR DEFENDANT(S):**

Paul Mysliwicz
Alex Uballez

Joe Romero

PROCEEDINGS:

9:03AM COURT IN SESSION; COUNSEL ENTER APPEARANCES; DEFENDANT APPEARS
TELEPHONICALLY.

9:04AM COURT STATES ON RECORD THAT DEFENDANT REFUSED PRE-TRANSPORT COVID-19
MEDICAL PROTOCOLS AND BECAUSE OF THIS WOULD NOT BE TRANSPORTED TO THE COURTROOM.
BECAUSE OF THAT, THE HEARING WILL BE HELD BY TELEPHONE.

9:05AM DEFENDANT STATES HE DOES NOT WISH TO PROCEED BECAUSE HIS ATTORNEY IS NOT
SITTING BY HIS SIDE.

9:06AM MR. ROMERO STATES HE HAD WRITTEN AND MAILED TO DEFENDANT AS TO WHY HE
COULD NOT JOIN IN THE MOTIONS.

9:07AM DEFENDANT STATES HE DOES NOT WANT TO CONTINUE BECAUSE HE BELIEVES HIS

CONSTITUTIONAL RIGHTS ARE BEING VIOLATED AND THAT HE CHOSE NOT TO BE TRANSPORTED BECAUSE IT VIOLATED HIS RELIGIOUS RIGHTS.

9:09AM DEFENDANT CONTINUES TO OVER-TALK ALL PARTIES AND CONTINUING STATE HIS CIVIL RIGHTS ARE BEING VIOLATED.

9:10AM GOVERNMENT STATES THAT HE INQUIRED AS TO THE MEDICAL PROTOCOLS WHICH CONSISTS OF TAKING HIS TEMPERATURE. GOVERNMENT STATES HE IS AWARE THAT MR. ROMERO IS WORKING VERY HARD IN ATTEMPTING TO REPRESENT HIS CLIENT

9:14AM COURT TRIES TO ADDRESS THE SITUATION WITH THE DEFENDANT.

9:16AM DEFENDANT CONTINUES TO OVER-TALK THE COURT AND STATE THAT HIS CIVIL RIGHTS ARE BEING VIOLATED.

9:17AM COURT ADVISES DEFENDANT HE NEEDS TO PROCEED TO THE COURT OF APPEALS.

9:18AM DEFENDANT REFUSES TO GO FORWARD AND ARGUE HIS MOTIONS OR WORK WITH THE COURT OR HIS ATTORNEY TO ADDRESS THE MOTIONS.

9:18AM COURT ADVISES WE WILL TAKE UP THE MOTION FOR DISCOVERY OF GRAND JURY MATERIALS [DOC. 98]. DEFENDANT REFUSES TO ADDRESS HIS MOTION.

9:19AM MR ROMERO STATES HIS POSITION ON THE DOCUMENT.

9:20AM COURT TRIES TO ADDRESS DEFENDANT, WHO APPEARS TO HAVE LEFT THE CONVERSATION- HE COMES BACK ON AND REFUSES TO ARGUE HIS MOTION.

9:21AM COURT DENIES THE MOTION FOR REASONS STATED ON THE RECORD.

9:22AM COURT TAKES UP MOTION TO AMEND [DOC 106].

9:24AM COURT DENIES MOTION TO AMEND FOR REASONS STATED ON THE RECORD.

9:26AM COURT TAKES UP [DOCUMENT [109](#)] MOTION to Dismiss; DEFENDANT CONTINUES TO REFUSE TO ARGUE HIS MOTIONS; COURT DENIES MOTION FOR REASONS STATED ON THE RECORD.

9:29AM MOTION FOR JUDGMENT OF ACQUITTAL [110]. DEFENDANT REFUSES TO ARGUE THIS

MOTION OR WORK WITH THE COURT OR HIS ATTORNEY TO ADDRESS THE MOTION; THIS MOTION IS UNTIMELY AND FOR OTHER REASONS STATED ON THE RECORD.

9:33AM COURT TAKES UP MOTION FOR ACQUITTAL [DOC 111]; COURT ASKS IF DEFENDANT WOULD LIKE TO ARGUE HIS MOTION; HE REFUSES; COURT DENIES FOR REASONS STATED ON THE RECORD.

9:36AM [DOC. 112] COURT TAKES UP MOTION; PARTIES HAVE NOT ARGUMENT; DEFENDANT REFUSES TO ARGUE HIS MOTION; COURT DENIES FOR THE REASONS STATED ON THE RECORD.

9:37AM COURT TAKES UP [DOC 113] MOTION TO DISMISS; COUNSEL HAVE NO ARGUMENT OTHER THAN WHAT THEY HAVE FILED. DEFENDANT CONTINUES TO OVER-TALK AND DEFENDANT REFUSES TO ARGUE HIS MOTION. COURT DENIES FOR THE REASONS STATED ON THE RECORD.

9:42AM US MARSHALS ADVISE MR ROMERO THAT THE DEFENDANT HAS HUNG UP THE PHONE.

9:43AM [DOC 125] MR. ROMERO STATES HE IS UNCERTAIN AS TO HOW THIS APPLIES TO DEFENDANT. GOVERNMENT RESPONDS TO THE MOTION. COURT DENIES THE MOTION IN THIS CASE FOR THE REASON STATED ON THE RECORD.

9:46AM COURT INQUIRES OF THERE IS ANYTHING ELSE THAT NEEDS TO BE DISCUSSED. MR. ROMERO SAYS DR. BROVKO IS GOING TO INTERVIEW THE DEFENDANT.

9:49AM COURT STATES HE WANTS THE TRANSCRIPT PROVIDED TO THE DEFENDANT AND ALSO WANTED MR. ROMERO TO CONVEY A MESSAGE TO THE DEFENDANT WHICH THE COURT PLACES ON THE RECORD.

9:53AM COURT INQUIRES IF WE SHOULD PUSH FORWARD TO SENTENCING. MR. ROMERO WANTS TO GIVE DR. BROVKO TIME TO INTERVIEW THE DEFENDANT BEFORE SENTENCING.

9:56AM COURT SETS SENTENCING FOR MAY 7, 2020.

9:57AM COUNSEL HAVING NOTHING FURTHER.

9:57AM COURT STANDS IN RECESS.